

**DEFENDANT'S RIGHT TO BE PRESENT  
PARKER WARNING<sup>1</sup>  
(Published Aug. 2016)**

***To the defendant:***

You have the right to be present in court at any proceeding including, in particular, a hearing and trial. Do you understand?

However, by your conduct, you can waive, give up, forfeit, or lose that right to be present.

***Add if defendant is in jail:***

If you deliberately refuse to come to court when required, or in any way deliberately obstruct or interfere with the effort to bring you to court, then, any proceeding in your case, including hearing, trial and, if you are convicted, sentence, can and will continue in your absence. Do you understand?

***Add if defendant is at liberty:***

If you deliberately fail to appear in court when required, then any proceeding in your case, including hearing, trial and, if you are convicted, sentence, can and will continue in your absence. A warrant for your arrest will be issued and you will be subject to separate prosecution and separate punishment for bail jumping no matter what happens in this case. Do you understand?

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1. *See People v Parker*, 57 NY2d 136 (1982) (advising the defendant of the right to be present and the consequences of nonappearance is a predicate to a trial in absentia).